

E-Filed 4/7/16

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RODNEY J. SMITH,
Petitioner,

No. C 14-5062 RS (PR)

ORDER STAYING ACTION

v.

JEFFREY BEARD,
Respondent.

As shown by respondent, this federal habeas petition filed under 28 U.S.C. § 2254 contains only unexhausted claims. Petitioner's request for a stay (Docket No. 7 at 4; No. 11 at 1) is GRANTED under *Rhines v. Webber*, 544 U.S. 269, 277–78 (2005), good cause appearing therefor. The action is STAYED so that petitioner can exhaust all his claims in state court. Nothing further will take place in this action until the Court decides further action is appropriate, or until petitioner exhausts all his claims and, within thirty days of doing so, moves both to reopen this action and to lift the stay.

The order to show cause is DISCHARGED. The Clerk shall ADMINISTRATIVELY CLOSE the file pending the stay of this action.

IT IS SO ORDERED.

DATED: April 7, 2016


RICHARD SEEBORG
United States District Judge

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